

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

WYATT B. et al.

Civ. No. 6:19-cv-00556-AA

Plaintiffs,

**OPINION & ORDER**

v.

TINA KOTEK et al.,

Defendants.

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AIKEN, District Judge.

This class action comes before the Court on Plaintiffs' Motion to Appoint Co-Class Counsel. ECF No. 316. The Court heard argument on the motion at a hearing held on January 3, 2024. ECF No. 323. For the reasons set forth below, the motion is GRANTED.

**DISCUSSION**

Plaintiffs move to appoint Steven Rizzo and Mary Skjelset of Rizzo Bosworth Eraut PC as co-class counsel to represent the certified class and subclasses in this action.

In appointing class counsel, courts must consider (1) the work counsel has done in identifying or investigating potential claims in the action; (2) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (3) counsel's knowledge of the applicable law; and (4) the resources

counsel will commit to representing the class. Fed. R. Civ. P. 23(g)(1)(A). Courts may also “consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(1)(B). “Class counsel must fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(4).

Mr. Rizzo and Ms. Skjelset affirm that they have familiarized themselves with the docket, the pleadings, and the significant motions in this case in order to prepare themselves to assist with the late stages of litigation and with the upcoming trial. Rizzo Decl. ¶ 16, ECF No. 318; Skjelset Decl. ¶ 13, ECF No. 317. The Declarations of Mr. Rizzo and Ms. Skjelset demonstrate that both attorneys have considerable experience litigating tort and civil rights claims involving the children in the Oregon foster care system. Although the Declarations reflect limited experience with class actions, both Mr. Rizzo and Ms. Skjelset have a great deal of relevant experience with litigating claims involving DHS and with interpreting and assessing DHS practices and records. Rizzo Decl. ¶¶ 13-15; Skjelset ¶¶ 7-8.

Giving due consideration to the factors outlined in Rule 23(g), the Court concludes that Mr. Rizzo and Ms. Skjelset have met the standards for appointment as co-counsel for the class and subclasses in this case.

## CONCLUSION

For the reasons set forth above, Plaintiffs' Motion to Appoint Co-Class Counsel, ECF No. 316, is GRANTED. Steven Rizzo and Mary Skjelset of Rizzo Bosworth Eraut PC are appointed as co-class counsel to represent the class and subclasses in this action, joining with existing class counsel A Better Childhood, Disability Rights Oregon, and Davis Wright Tremaine LLP.

It is so ORDERED and DATED this 4th day of January 2024.

/s/Ann Aiken

ANN AIKEN

United States District Judge